

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
Atlanta Division**

D. H. PACE COMPANY, INC.,

Plaintiff,

v.

MATTHEW JOHNSON and
LIBERTY
GARAGE DOOR SERVICES, LLC,

Defendants.

Civil Action No. 1:22-cv-01005-
SEG

CONSENT ORDER

Plaintiff D.H. Pace Company, Inc. (“DH Pace”) and Defendants Matthew Johnson (“Johnson”) and Liberty Garage Door Services, LLC (“Liberty”) (collectively, the “Parties”) hereby stipulate and agree as follows:

1. On June 3, 2022, the Court entered a Temporary Restraining Order against Defendants (ECF No. 57), which the Parties later agreed to extend until July 29, 2022 (ECF No. 60).

2. Rather than proceed with briefing and a hearing on whether a preliminary injunction should be issued in this action, the Parties

stipulate and agree to the entry of a preliminary injunction on the following terms:

- a. Johnson shall not acquire an interest in as an individual, partner, stockholder, director, officer, principal, agent, consultant or employee, any business that is a direct competitor of D.H. Pace, including, but not limited to, Liberty, through December 21, 2022.
- b. Johnson and Liberty (including its agents and employees) shall not solicit DH Pace's customers directly through December 21, 2023. The Parties agree that a DH Pace customer voluntarily initiating contact with Johnson and/or Liberty or voluntarily providing his or her information to be contacted by Johnson and/or Liberty to one of Liberty's vendors (i.e. Angi's list) shall not constitute a direct solicitation for the purpose of this provision. The Parties also agree that advertisements directed to the general public, e.g., Google AdWords, rather than a specific, direct communication to an entity and/or individual, shall not constitute a "direct" solicitation for the

purposes of this provision. Johnson and Liberty further agree not to use the terms, “Overhead Door Company of Atlanta,” “Overhead Door,” “Overhead Doors,” “Overhead,” and/or “DH Pace” in any advertising.

c. Johnson and Liberty (including its agents and employees) shall not solicit, recruit, hire, or attempt to hire any employee of D.H. Pace, or otherwise interfere with D.H. Pace’s business relationship with any of its employees, through December 21, 2023.

d. Johnson and Liberty (including its agents and employees) shall not access, open, share, transmit and/or use, in any way, any of DH Pace’s electronic files or information or hard copy documents, including, but not limited to, those documents and files that Johnson and/or Brian West obtained during their employment with DH Pace.

3. Defendants are relieved from any expedited discovery obligation and discovery will continue under normal procedures. The Parties acknowledge that the ESI data collection and production process has taken longer than anticipated, and it remains

ongoing. The Parties request that the Court extend dates set forth in the Court's Scheduling Order, and the Court grants the Parties' request. The dates in the Scheduling Order are modified as follows:

- a. Amended Pleadings: September 16, 2022.
- b. End of the Discovery Period: December 1, 2022.
- c. Motions to Compel: before the close of discovery or within the extension period allowed in some instances. Local Rules 37.1.
- d. Summary Judgment Motions: January 25, 2023.
- e. Other Limited Motions: Refer to Local Rules 7.2A, 7.2B, and 7.2E, respectively, regarding filing limitations for motions pending on removal, emergency motions, and motions for reconsideration.
- f. Motions Objecting to Expert Testimony: Daubert motions with regard to expert testimony no later than the date that the proposed pretrial order is submitted. Refer to Local Rule 7.2F.

4. Defendants withdraw their Motion for Injunctive Relief and Request for Consolidated Hearing (ECF No. 16).
5. The Parties agree that no bond shall be necessary for this preliminary injunction and that the bond previously posted by Plaintiff can be withdrawn and/or terminated. The Court will direct the Clerk regarding the bond by separate order.

SO ORDERED this 14th day of July, 2022.



SARAH E. GERAGHTY
United States District Judge